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10/580,047	05/19/2006	Giuliano Muratore	09952.0448	7573

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EXAMINER
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MAGLOIRE, VLADIMIR

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/580,047	<b>Applicant(s)</b> MURATORE ET AL.	
	<b>Examiner</b> VLADIMIR MAGLOIRE	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 23-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 23-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed on 3/25/2009 have been fully considered but they are not persuasive. **This action is made final.**
2. The applicant argues that Cardina does not teach or suggest:
  - a. "having the caller place a call to a virtual number associated with the first telephony number"
  - b. "receiving the call at a switching apparatus of a mobile telephony network"
  - c. "the office action has not properly ascertained the differences between the claimed invention and the prior art, at least because the office Action has not interpreted the prior art and considered both the invention and the prior art as a whole. See M.P.E.P. § 2141(II)(B)."
3. The examiner respectfully disagrees with the arguments for at least the following the reasons:
  - a. Cardina discusses a caller may dial a virtual min and an additional local access number to place a call to the back up device (see Cardina, Col 27 lines 45 to 52) or a caller may use a standard directory number assigned to the landline phone to call the back up device, irrespective which number is used, the caller is forwarded to the wireless back up device. Furthermore, the virtual min is used when callee is not reachable via the landline phone, therefore the virtual min is associated with the landline phone. Hence, Cardina is showing the

limitation "having the caller place a call to a virtual number associated with the first telephony number".

b. Cardina discusses in fig. 5 steps 508 to 512, Col 16 lines 44 to 62 receiving an incoming call indication at the PSTN which then sends the incoming call to the MTSO, mobile switching office, therefore Cardina is showing the limitation "receiving the call at a switching apparatus of a mobile telephony network".

c. Lastly, with regard to the argument that the examiner did not follow the guidelines of the MPEP 2141(II)(B), the Examiner respectfully disagrees. In the same cited section of the MPEP it states:

**A. Determining the Scope and Content of the Prior Art**

In determining the scope and content of the prior art, Office personnel must first obtain a thorough understanding of the invention disclosed and claimed in the application under examination by reading the specification, including the claims, to understand what the applicant has invented. See MPEP § 904. The scope of the claimed invention must be clearly determined by giving the claims the "broadest reasonable interpretation consistent with the specification." See *Phillips v. AWH Corp.*, 415 F.3d 1303, 1316, 75 USPQ2d 1321, 1329 (Fed. Cir. 2005) and MPEP § 2111. Once the scope of the claimed invention is determined, Office personnel must then determine what to search for and where to search.

The examiner has shown in the detailed previous action that the differences between the claimed invention and the prior art were ascertained and the scope of the claimed invention was given the broadest reasonable interpretation consistent with the specification was.

4. Therefore the rejection is maintained as follows:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 23-27, 35, 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cardina (US 6,411,802 B1).

Consider claim 23, Cardina discloses a method of forwarding a telephone call from a caller intended to be directed to a first, fixed, telephony number toward a second, mobile, telephony number in order to render an intended responder associated with the second telephony number reachable at a mobile phone instead of a fixed telephone **(see Cardina, Abstract)**, comprising: having the caller place a call to a virtual mobile telephony number associated with the first telephony number **(see Cardina, Col 27 lines 39 to 52)**; receiving the call at a switching apparatus of a mobile telephony network **(see Cardina, fig. 16 item 1516, fig. 5 steps 508 to 512, Col 16 lines 44 to 62)**; conditioned by the fact that call forwarding from the first telephony number to the second telephony number is enabled, routing the call from the switching apparatus to the second telephony number **(see Cardina, fig. 16 steps 1516 to 1524, Col 29 lines 9 to 26)**; Cardina discloses call forwarding using well known methods **(see fig. 14 step 1318)**. Cardina does not specifically disclose and if the responder accepts, terminating the call from the caller at the second telephony number instead of at the first telephony number, so as to establish a direct telephone call between the caller and the responder, however, this is an obvious step in call forwarding system, therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to specify if the responder accepts, terminating the call from the caller at the second telephony number

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instead of at the first telephony number, so as to establish a direct telephone call between the caller and the responder.

Regarding claim 35, the limitations have been analyzed in claim 23.

Consider claim 39, Cardina discloses in a telephone communications system comprising a fixed telephony network and a mobile telephony network, a system for forwarding a telephone call from a caller intended to be directed to a first, fixed, telephony number toward a second, mobile, telephony number in order to render an intended responder associated with the second telephony number reachable at a mobile phone instead of a fixed telephone (**see Cardina, Abstract**), comprising: a database associating a virtual mobile telephony number with the first telephony number (**see Cardina, fig. 6 step 608**); and a call transport layer of the mobile telephony network adapted to: routing a call to the second telephony number in case a call forwarding from the first telephony number to the second telephony number is enabled (**see Cardina, fig. 6 steps 612 to 626**); Cardina discloses call forwarding using well known methods (**see fig. 14 step 1318**). Cardina does not specifically disclose and if the responder accepts, terminating the call from the caller at the second telephony number instead of at the first telephony number, so as to establish a direct telephone call between the caller and the responder, however, this is an obvious step in call forwarding system, therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to specify if the responder accepts, terminating the call from the caller at the second telephony number instead of at the first telephony number, so as to establish a direct telephone call between the caller and the responder.

Consider claim 24, Cardina discloses the method according to claim 23, further comprising: upon receiving, at the switching apparatus, the call from the caller to the virtual mobile telephony number, first routing the incoming call to the first telephony number **(see Cardina, fig. 5 steps 502 to 520, fig. 16 steps 1516, 1518).**

Consider claim 25, Cardina discloses the method according to claim 24, further comprising: having the call forwarding enabled at an apparatus associated with the first telephony number **(see Cardina, fig. 5 steps 502 to 520).**

Consider claim 26, Cardina discloses the method according to claim 25, further comprising: conditioned to the fact that the call forwarding is not enabled and that the incoming call is answered at the first telephony number, terminating the call thereat and establishing a direct telephone call between the caller and the first telephony number **(see Cardina, fig. 16).**

Consider claim 27, Cardina discloses the method according to claim 26, further comprising: in case the call is not answered at the first telephony number, determining the second telephony number and enabling said call forwarding **(see Cardina, fig. 16).**

3. Claims 28-34, 36-38, and 40-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cardina in view of Leung et al., (U.S. Publication Number 2002/0132613 A1).

Consider claim 28, Cardina does not specifically disclose the method according to claim 27, further comprising: after the enabling of said call forwarding, dropping a call section from the switching apparatus to the first telephony number, while keeping the call from the caller on hold at said switching apparatus, however, Leung discloses after

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the enabling of said call forwarding, dropping a call section from the switching apparatus to the first telephony number, while keeping the call from the caller on hold at said switching apparatus **(paragraph 0376 lines 1-18)**.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Cardina by specifying after the enabling of said call forwarding, dropping a call section from the switching apparatus to the first telephony number, while keeping the call from the caller on hold at said switching apparatus, as taught by Leung, thereby creating a more efficient system **(see Leung, paragraph [0009])**.

Consider claim 29, the combination Cardina and Leung discloses the method according to claim 23, wherein said first telephony number corresponds to a PBX network having a plurality of extensions **(see Leung, paragraph [0376-0377])**.

Consider claim 30, the combination Cardina and Leung discloses the method according to claim 29, wherein said first telephony number includes a number of a PBX network switchboard **(see Leung, paragraph [0376-0377])**.

Consider claim 31, the combination Cardina and Leung discloses the method according to claim 30, comprising receiving the call at the PBX switchboard, forwarding the call to an intended PBX network extension and, in case the call is not answered, providing the second telephony number to a switching apparatus control controlling the switching apparatus **(see Leung, paragraph [0376-0377])**.

Consider claim 32, the combination Cardina and Leung discloses the method according to claim 29, wherein said first telephony number comprises at least one PBX



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Direct Inward Dial number corresponding to one of the extensions of the PBX network **(see Leung, paragraph [0376-0377])**.

Consider claim 33, the combination Cardina and Leung discloses the method according to claim 29, wherein said virtual mobile telephony number associated with the first telephony number comprises at least one virtual mobile telephony number associated with said one extension of the PBX network **(see Leung, paragraph [0376-0377])**.

Consider claim 34, the combination Cardina and Leung discloses the method according to claim 23, wherein said virtual mobile telephony number associated with the first telephony number is a combination of the first telephony number and an identifying code or a prefix code **(see Leung, paragraph [0376-0377])**.

Consider claim 36, the combination Cardina and Leung discloses the method according to claim 35, further comprising: upon receiving, at the switching apparatus, the call from the caller to the virtual mobile telephony number, first routing the call from the caller to the first telephony number, and, if the call from the caller is answered at the first telephony number, terminating the call thereat so as to establish a direct telephone call between the caller and the first telephony number **(paragraph [0376])**.

Consider claim 37, the combination Cardina and Leung discloses the method according to claim 36, further comprising: receiving information apt to determine said second telephony number from an apparatus associated with said first telephony number, and causing the call from the caller to be routed thereto **(see Leung, paragraphs [0355, 0318])**.

Consider claim 38, the combination Cardina and Leung discloses the method according to claim 37, further comprising: after said receiving information apt to determine the second telephony number, dropping a call section from the switching center to the first telephony number, while keeping the call from the caller on hold **(see Leung, paragraphs [0355, 0318])**.

Consider claim 40, Cardina discloses the system according to claim 39, wherein said first telephony number is a number of a PBX network having a plurality of extensions **(see Leung, paragraph [0376-0377])**.

Consider claim 41, Cardina discloses the system according to claim 40, wherein said first telephony number includes a number of a PBX network switchboard **(see Leung, paragraph [0376-0377])**.

Consider claim 42, Cardina discloses the system according to claim 40, wherein said first telephony number comprises at least one PBX Direct Inward Dial number corresponding to one of the extensions of the PBX network **(see Leung, paragraph [0376-0377])**.

Consider claim 43, Cardina discloses the system according to claim 40, wherein said virtual mobile telephony number associated with the first mobile telephony number comprises at least one virtual mobile telephony number associated with said one extension of the PBX network **(see Leung, paragraph [0376-0377])**.

Consider claim 44, Cardina discloses the system according to claim 39, wherein said virtual mobile telephony number associated with the first mobile telephony number

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is a combination of the first telephony number and an identifying code, particularly a prefix code (**see Leung, paragraph [0376-0377]**).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **VLADIMIR MAGLOIRE** whose telephone number is (571)270-5144. The examiner can normally be reached on Monday to Thursday, 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on 571-272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/NICK CORSARO/  
Supervisory Patent Examiner, Art Unit 2617

/Vladimir Magloire/  
Examiner, Art Unit 2617 6/3/09